UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/90
24 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

Arbitrary detention of Latin Americans of Japanese ancestry

1. Between 1942 and 1948 the United States carried out a programme of abduction, detention and deportation of Latin Americans of Japanese ancestry as part of its Second World War military action. During the years of operation, 2,264 Latin Americans from Peru, Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama and Venezuela were seized in their countries and shipped to United States detention centres in Panama and the United States. Of the 2,264, about 1,800 were from Peru and most of these were Peruvian citizens - the others being legal resident aliens. These abductions took place devoid of any due process rights: no warrants, no hearings and no appeal.

2. Many of the Latin Americans held in Panama were subjected to hard labour. About 960 Latin Americans from camps in both Panama and the United States were shipped to Japan during the Second World War in exchange for Japanese-held American prisoners of war and civilians. At the end of the war most of the Latin American countries refused to accept back their citizens. Declared "illegal aliens" by the United States, 900 were deported to Japan between 1945 and 1946. Another 360 were given suspended deportation orders and eventually 300 stayed in the United States; 200 others made their way back into countries in Latin America, with about 79 allowed to return to Peru.

3. The United States began this programme by seeking agreements with Latin American countries before its entry to the Second World War. Brazil, Uruguay and Paraguay operated their own internment programme. Only Argentina and Chile refused (see United States Department of State Bulletin, 6 August 1944, Department of State File 740.00115 Pacific Way/53, RG59, National Archives, especially its discussion of the Conference of Foreign Ministers of the American Republics (Rio de Janeiro, 1942) and its Emergency Committee for Political Defense, to carry out "hemispheric removals ... for their mutual protection"). At no time during the pre-programme discussion and during the actual abduction programme did the United States or any other participating country articulate specific charges against any Latin American of Japanese ancestry relating to war security. In particular, there was no evidence presented showing any planned action of espionage, sabotage or subversion by any persons abducted

4. The United States own documents indicate that originally the United States contemplated using American citizens of Japanese ancestry to provide people to be exchanged for Japanese-held American citizens in the event that the United States entered into the war against Japan. However, administration officials feared that if actual American citizens were used, the American people as a whole would protest. These officials believed that secret abductions of Latin Americans and their being kept incommunicado in Panama and secret United States camps would be easier to hide from the American public and therefore did not risk public outcry. In fact, the American people have only found out about this programme in recent years, when the United States began a programme of compensation for Japanese-Americans held in camps during the same period.

5. There is substantial evidence that rather than having any relationship to military necessity, the Latin American countries used the programme to rid

themselves of Japanese, who first immigrated to Peru, for example, in 1899. The Japanese became prosperous and were targeted with racist and discriminatory policies and attitudes by their Governments and the general population.

6. At the time this programme was in operation, international humanitarian law clearly forbade wartime abduction, incarceration and deportation of civilians from friendly countries. Exchange of civilians from a friendly country to an enemy third party was viewed as especially serious and, in this case, met the criteria of hostage-taking: detention or exchange of persons for reasons unconnected with criminal matters or other justifiable cause. International law also forbade slavery and forced labour (the conditions of the Latin Americans held in the Panama camps clearly met the then-existing prohibition against slavery and forced labour) whether in peacetime or in war. The Charter of the International Military Tribunal (Nürnberg Charter), the Charter of the Military Tribunal for the Far East (Tokyo Charter) and the earlier Control Council Law 10 set out these acts as war crimes and crimes against humanity at the time of the Second World War. The United States recognized that these same acts violated the rules of war as early as 1863 (see, e.g. article 23 of General Order No. 100 of the United States Army (1863) (known as the Leiber Code): "Private persons are no longer murdered, enslaved, or carried off to distant parts ...").

7. In 1988 the United States began a programme to provide compensation of $20,000 to "United States citizens and permanent resident aliens of Japanese ancestry during World War II" (United States Civil Liberties Act of 1988, 50 U.S.C. App. Sec. 1989 et seq., as amended) (the CLA). The CLA excludes the Latin Americans of Japanese ancestry, and, except for some Latin Americans who became "retroactive" American citizens, the rest have not received compensation under the CLA or any other law or compensation programme of the United States. In 1997 an action was filed by certain victims for themselves and all others denied compensation. (Mochizuki v. US, No. 97-294C (C.D. CA, filed 16 May 1997.)) In addition to alleging that the plaintiffs suffered violation of then-existing international law, the suit alleges discrimination based on national or ethnic origin because they are excluded from the CLA. Statutory limitations cannot be applied to this case because the alleged acts are war crimes and crimes against humanity which are not subject to such limitations. In this light we draw particular attention to the work of both the Commission and the Sub-Commission in the right to restitution, compensation and rehabilitation for victims of gross violations of human rights.

8. International Educational Development brings this to the attention of the Commission on Human Rights because we are convinced that these victims and all other victims of violations of the rules of war during the Second World War should immediately receive adequate compensation. Our organization views it imperative that all issues arising from the Second World War be resolved in keeping with the spirit and goals of the Charter of the United Nations.

9. We have brought to the attention of the Commission and the Sub-Commission a wide range of issues from the Second World War that are still unsettled: compensation for Japan's many war crimes victims; resolution of cases arising from monetary seizures and insurance fraud; compensation for new

claimants against Germany who were formerly prevented from seeking compensation under existing schemes; and compensation for the Latin Americans of Japanese ancestry. Other claims exist that are credible and warrant attention. We are convinced that failure to adequately address even the facts relating to the Second World War coupled with a blatant refusal of especially Japan and the United States to compensate has encouraged parties in present-time conflicts to carry out the same violations: hostage-taking, mass deportations, genocide, rape, slavery. The parties to the Second World War should not be allowed to unilaterally absolve themselves from acts they committed; the international community as a whole must insist on full disclosure of all the facts. All victims must receive full compensation, including genuine apology.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/91
24 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1998]

GE.98-11290 (E)

1. International Educational Development/Humanitarian Law Project, working in close collaboration with the Mexican Human Rights Network "All rights for all", which includes 48 human rights organizations, expresses its deep concern for the deteriorating human rights situation in Mexico.

2. The appalling massacre in Acteal, Chiapas, by paramilitary forces just three days before Christmas provides further evidence of the lack of the rule of law in Mexico. Many men, women and children were shot in the back or hacked to death with machetes while they knelt at the chapel; having been forewarned of the event, they were praying for peace. The paramilitary squad murdered 45 people: 9 men, 21 women and 14 children; the youngest being a two-month-old baby. According to witnesses, four of the women were pregnant and the assailants hacked the foetuses from their wombs.

3. The carnage continued over a period of four hours just a few hundred metres from public security barracks; eyewitnesses state that public security officers looked on. Furthermore, according to the National Human Rights Commission, a local priest informed the authorities that gunfire was being heard and security agents were sent to the community during the time that the death squad was continuing to murder. They reported that nothing unusual was occurring.

4. The tragedy of Acteal is not an isolated incident. Over the last few years, human rights missions including both national and international NGOs have been producing documented reports describing extrajudicial executions, torture, arbitrary detention and other violence. There are more than nine well-documented paramilitary groups which enjoy support from the ruling party PRI (Revolutionary Institutional Party) in Chiapas alone. 1/

5. The tragic events that occurred in Chiapas are representative of a much larger problem in Mexico regarding the endemic abuse of human rights throughout the country. Paramilitary groups operate with impunity and support from the PRI in other states including Oaxaca, Guerrero, Sonora, Campeche and Tabasco.

6. Disappearances and extrajudicial executions have increased significantly; 2/ arbitrary detentions are a frequent practice; torture is commonly used in interrogations by the police who enjoy virtually total impunity; and the judiciary is subordinate to the executive power which is leading to the systematic abuse of the principles of access to justice and equality in the eyes of the law. On a recent visit to Mexico, Pierre Sane, Secretary-General of Amnesty International, stated that, "in Mexico there is a human rights crisis".

7. The link between human rights violations and government officials at the highest levels can be characterized by recent compelling evidence of the involvement of the Morelos state police, including the Attorney-General, in a kidnapping ring. 3/ Equally documented evidence exists regarding electoral malpractice in Campeche including torture, rape and simulated executions which, according to several witnesses, has included the participation of the Attorney-General. Furthermore, the Ministry of Police has refused to register complaints or instigate investigations. 4/

Disappearances and extrajudicial executions

8. The increase in disappearances and extrajudicial executions during the present regime is of extreme concern. According to the National Human Rights Commission, reported cases of disappearances increased by 44 per cent in 1997. 5/

9. From June 1995 to date, there have been more than 100 community leaders and members of the Partido Democratico Revolucionario (PRD) assassinated whose bodies clearly show signs of extrajudicial execution. None of these executions have been duly investigated. Over 400 political murders occurred between 1988 and 1996 that remain unsolved. 6/

Torture

10. In Mexico, torture continues to be the principal method used in police investigations. In April 1997, the United Nations Committee against Torture expressed its concern that torture had continued as a systematic practice in Mexico, especially by the judicial authorities, federal as well as local, and recently by members of the armed forces. In the opinion of the Committee, torture was the result of, among other factors, the impunity enjoyed by torturers, and the admission of confessions and statements obtained under torture as evidence in trials, despite the legal provisions explicitly declaring them inadmissible. 7/

Military intervention

11. Military intervention in internal security without the creation of appropriate accountability mechanisms brings with it grave consequences for the lives of campesino communities including the eviction of people from their land, interrogations, prostitution, alcoholism, rape and assault.

12. Furthermore, the substitution of military personnel within the Office of the Attorney-General of the Republic for civil personnel and the increasingly frequent appointment of active and retired military officials in advisory posts with municipal and state police forces is of great concern.

Persecution of human rights defenders

13. Since 1995 more than 100 human rights defenders from different human rights organizations have received death threats, been physically intimidated, persecuted, threatened with abduction, disappearance or rape, have been victims of surveillance of their private homes and offices, or have suffered robberies of documents and information. 8/

14. The Government has also expelled several international NGOs visiting Mexico to monitor the respect or violation of human rights, which indicates that the Government is trying to impede national monitoring of human rights violations. Furthermore, Mexico occupies, along with Peru and Colombia, first place in Latin America for persecution of journalists. Since President Zedillo took power, 11 journalists have been murdered and more than 125 have been physically assaulted, 9 kidnapped, and 74 suffered censorship of their work. 9/

Conclusions and recommendations

15. While the present regime can be applauded for the increased democratization of the country, the levels of violations outlined in this report reflect the entrenched nature of abuse and impunity that continue to exist within the Mexican authorities. The unchanging nature of these institutions, coupled with the economic imperatives of the present regime, is leading to policies and legislation that are further putting at risk the most marginal and defenceless in Mexican society.

16. The following concrete reforms are urgently required to fight against the continuing impunity and human rights violations in Mexico:

(a) Government compliance with the Agreements of San Andrés, and the investigation, disarmament and punishment of paramilitary groups which operate in the country as well as punishing the intellectual authors of the Acteal massacre;

(b) The removal of the military from civil duties and the removal of the army from Chiapas communities in compliance with the Law for Dialogue, Conciliation and Dignified Peace in Chiapas;

(c) The creation of an independent judiciary in which the presumption of innocence is observed with vigour and which includes the establishment of a professional career structure and the elimination of political nominations;

(d) The establishment of professional, trained, career-orientated police bodies which are accountable for their actions and which have true investigating skills;

(e) The establishment of adequate defence mechanisms for persons with limited resources, which includes an increase in the number of public defenders as well as improving their training and salary;

(f) The implementation of the concluding observations of the United Nations Committee against Torture adopted on 30 April 1997;

(g) The ratification by Mexico of international instruments which recognize the competence of international bodies to examine individual abuses, including the Inter-American Court of Human Rights, the United Nations Human Rights Committee, the United Nations Committee against Torture and the United Nations Committee on the Elimination of Racial Discrimination;

(h) That the incumbents of the National and State Human Rights Commissions be nominated by the legislative power and not by the executive in order to confer real independence and strengthen these bodies.

17. We call on the national and international community to voice their concerns regarding violations of human rights in Mexico and to encourage the Mexican authorities to comply with their obligations under both national and

international law. We also ask that verification visits be undertaken by international institutions, including the creation of a special rapporteur in the United Nations, to advance the process of creating a climate of respect for human rights in this country.

Notes

1/ "Chiapas: la guerra en curso", Centro de Derechos Humanos Miguel Agustín Pro Juárez, A.C., (Prodh), February 1998.

2/ According to the United Nations Working Group on Enforced or Involuntary Disappearances, Mexico is among the top five countries with the most disappearances between 1994 and 1996.

3/ Proceso, 15 February 1998, pp. 14-19.

4/ "Dictamen sobre los eventos represivos del 11 de septiembre y el 19 de octubre en la ciudad de Campeche, Camp., desde la perspectiva de los derechos humanos", Prodh, February 1998.

5/ Reforma 6A, 19 February 1998.

6/ Registry of the Ministry of Human Rights and Indigenous Communities of the National Executive Committee of the PRD. Some of the cases of torture and extrajudicial executions have been accepted for investigation by the Inter-American Commission on Human Rights.

7/ Concluding observations of the United Nations Committee against Torture adopted 30 April 1997.

8/ "Repression and harassment in Mexico of human rights defenders, social organizations, and journalists", National Network of Civil Organizations for Human Rights "All rights for all", May 1997.

9/ Raymundo Riva Palacios, "Radiografía de la intolerancia", The Interamerican Press Society.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/92
23 March 1998

ENGLISH
Original: ENGLISH, FRENCH
and SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 21

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Written statement submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 March 1998]

GE.98-11212 (E)

1. The Declaration on human rights adopted by consensus at Vienna in June 1993 and the Copenhagen Declaration on Social Development of 1995, while not binding, represent solemn undertakings by almost all States against, in particular, hierarchism in the approach to, and practise of human rights: no right has priority over any other. In particular, there is no priority for civil and political rights over economic and social rights.

2. The Copenhagen Declaration (A/CONF.166/9) proclaims - many States' economic policies notwithstanding - the absolute primacy of social development, with all States undertaking to "focus [their] efforts and policies to address the root causes of poverty and to provide for the basic needs of all. These efforts should include the elimination of hunger and malnutrition; the provision of food security, education, employment and livelihood, primary health-care services ... Special priority will be given to the needs and rights of women and children, who often bear the greatest burden of poverty, and to the needs of vulnerable and disadvantaged groups and persons" (Ibid., chap. I, Commitment 2).

3. Given the successes that the Vienna World Conference on Human Rights and Copenhagen World Summit for Social Development represented for the United Nations, there can be no question of considering the Declarations adopted there as purely formalistic pronouncements by States with no real interest in their contents (especially as most of the participating countries were represented at the very highest level).

4. The Commission on Human Rights would therefore be justified in taking account of the principles set forth in these Declarations and promoting, by all possible means, international awareness of them.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/93
26 March 1998

ENGLISH
Original: ENGLISH, FRENCH and
SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by Amnesty International, the International Federation of Human Rights, Human Rights Watch and Reporters sans Frontières, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1998]

THE HUMAN RIGHTS SITUATION IN ALGERIA:
TIME FOR THE COMMISSION TO ACT

Joint statement by Amnesty International, the International Federation of Human Rights, Human Rights Watch and Reporters sans Frontières

1. On 15 October 1997, our four organizations issued a joint appeal to the international community and members of the United Nations Commission on Human Rights in particular, to act without delay in the face of the alarming human rights crisis in Algeria to set up an international investigation to ascertain the facts, examine allegations of responsibility and formulate recommendations with respect to the massacres and other abuses by all parties to the conflict.

2. Regrettably, this call went unheeded. More than four months later, violations of human rights in Algeria, far from receding, have reached unprecedented levels: the Government of Algeria, in this period, has continued to obstruct and denounce all efforts to establish a credible and impartial international mechanism to carry out such a mission.

3. Amnesty International, Human Rights Watch, the International Federation of Human Rights and Reporters sans Frontières therefore call upon the United Nations Commission on Human Rights, at its fifty-fourth session, to appoint a special rapporteur on the human rights situation in Algeria, who should carry out visits with thematic mechanisms and be supported by forensic and other technical experts. Given the scale and scope of human rights violations there, such a step is crucial to ensure a measure of ongoing international scrutiny of the situation, to express to the people of Algeria the concern of the international community, and to provide information and recommendations that will enable the Algerian Government and the international community to address effectively the continuing violence and human rights abuses.

4. The need for this initiative is clear. Although precise numbers are not known, there are some estimates that as many as 80,000 people have been killed since the beginning of the conflict in 1992, including some 2,000 in the past four months alone. At the end of December 1997 and beginning of January 1998, hundreds of men, women and children were shot, decapitated, hacked to death and burned alive by groups of assailants who fled the area after the killings. On 30 December 1997, some 300 people were killed in villages in the western province of Relizane, and on 11 January, more than 100 people were massacred in Sidi Hamed, south of Algiers. In addition to these large-scale slaughters, scores, often hundreds, of civilians are killed every week. Some of these attacks have been claimed by armed groups that are opposed to the Government and call themselves Islamic. There has yet to be any serious or transparent investigation into the facts regarding these killings, as well as numerous cases of torture, enforced disappearances, and other serious abuses.

5. The general failure of the Algerian authorities to bring to justice those responsible for gross human rights violations, the absence of a credible independent investigation into the killings and massacres, the restrictions imposed on Algerian and foreign journalists and international organizations, all contribute to perpetrating a situation of complete impunity where violence thrives on fear and silence.

6. For the past six years, armed groups have deliberately and arbitrarily targeted unarmed civilians, carried out indiscriminate attacks which have killed civilians, and abducted and raped women. Vulnerable people such as the elderly and children have been frequent victims of the armed groups, whose methods are unspeakably brutal. We have strongly and unequivocally condemned these atrocities, and have repeatedly called on the Algerian authorities to bring to justice those responsible for such crimes and to take the necessary measures to ensure the protection of the civilian population. We have also urged the Algerian authorities to ensure that the fight against violence must take place within the rule of law and in compliance with international human rights treaties to which Algeria is a party.

7. The Algerian authorities have blamed all the massacres and other killings on "terrorist" groups. They have not explained convincingly, however, why many of the massacres in the most heavily militarized regions of the country, some in close proximity to army and security forces barracks and outposts, took place without the army and security forces having intervened to stop the mass killings or to capture the attackers, who apparently fled undisturbed.

8. The large-scale massacres of the past year have been perpetrated against a backdrop of increasingly widespread violence and human rights abuses. Security forces have continued to be responsible for extrajudicial executions, "disappearances", abductions and torture. Thousands of cases of such violations have been brought to the attention of the Algerian Government, but no investigations are known to have been carried out. Moreover, the authorities have armed large sectors of the civilian population and encouraged the creation of paramilitary militias, in the process further drawing the civilian population into the conflict.

9. Since our appeal four months ago, a number of European Governments and the United States have publicly called on Algeria to cooperate with the United Nations special mechanisms and to facilitate investigations by international human rights organizations. There have been hearings on the situation before committees of the United States Congress, the European Parliament, and the parliaments of several European States. The European Union dispatched foreign ministry officials of the troika countries in mid-January. Within the United Nations, UNICEF supported the call for an international investigation. Secretary-General Kofi Annan had earlier deplored the continued killings in Algeria and offered to discuss with the Algerian Government ways of bringing an end to the spate of killings; Sadako Ogata, the High Commissioner for Refugees, appealed to European countries not to turn back Algerians to their country; Mary Robinson, the High Commissioner for Human Rights, requested information on the human rights situation in Algeria from across the whole United Nations system, while engaging in a high-level dialogue with the authorities. But these initiatives have not resulted in concrete steps that would shed light on the human rights situation or reduce the scale of abuses in Algeria.

10. The Algerian authorities have adamantly and consistently rebuffed these approaches and denounced any kind of international undertaking aimed at clarifying the human rights situation in the country. In spite of repeated entreaties by the High Commissioner for Human Rights and the European Union, in public and in private, the Special Rapporteurs on torture and on

extrajudicial, summary and arbitrary executions have not been allowed to carry out a joint visit to the country, even though the Algerian authorities had agreed in principle to these visits.

11. Algeria's rejection of any form of international scrutiny cannot be allowed to be the final word. The United Nations must take immediate, decisive and serious steps towards the establishment of a mechanism for an international investigation. In particular the Governments that currently make up the Commission on Human Rights must live up to their responsibilities and take steps to address the human rights crisis in Algeria in an effective manner. Ultimately, a thorough and credible investigation of Algeria's human rights situation can only happen on-site, with the cooperation of the Algerian Government. The step that we are urging, however, will help ensure an important degree of ongoing international scrutiny of that situation, and will provide a measure of solidarity with the people of Algeria.

12. We believe that an international investigatory mechanism is required by the gravity of abuses and by the policy of the Algerian Government to impede any independent international investigation. The Commission on Human Rights should appoint a special rapporteur on Algeria at its present session. This is a step that the Commission can and should take with or without the cooperation of the Algerian Government. The special rapporteur should be instructed to seek a joint mission to Algeria, along with relevant thematic mechanisms, and with other experts, including from outside the United Nations system, and representing a wide range of expertise in the fields relevant to the human rights situation in the country, namely: forensic anthropology, torture, summary, arbitrary or extrajudicial executions and killings, "disappearances", violence against women and children, and internal displacement.

13. Whether or not such a request is granted, he or she should be provided with sufficient resources and authority to investigate, with the assistance and collaboration of the special mechanisms and working groups of the Commission on Human Rights, the gross and systematic abuses of human rights committed by armed groups and by security forces in Algeria, and should be instructed to submit an interim report of his or her findings and recommendations to the General Assembly no later than 30 June 1998, and a final report to the fifty-fifth session of the Commission in March 1999. The special rapporteur should propose a long-term human rights plan to be coordinated by the High Commissioner for Human Rights. This plan should include gender-specific recommendations to address the occurrence of rape and sexual abuse, and should integrate activities of the relevant United Nations agencies and departments concerning Algeria.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/94
27 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 13

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 March 1998]

GE.98-11366 (E)

1. Human Rights Watch welcomes China's signing of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) on 27 October 1997, although we regret that the ratification by the National People's Congress did not take place at its last meeting in March. Human Rights Watch also welcomes China's announcement on 12 March that it is prepared to sign the International Covenant on Civil and Political Rights (ICCPR). However, the announcement did not specify when the signing might occur nor did it indicate a timetable for ratification. A mid-January government statement that stressed the conflicts between the ICCPR and Chinese law is cause for concern that China is not likely to become a State party in the near future.

2. In the meantime, serious violations of rights guaranteed by both Covenants persist, often breaching China's domestic laws. With respect to political and civil rights, for example, although China's Constitution provides for freedom of speech and press, draconian new regulations went into effect on 30 December 1997, outlining a widened range of Internet offences, among them political subversion, leaking State secrets, "splitting the country", and "defaming government agencies". These offences correspond to crimes under China's Penal Code as well. The crime of "splitting the country", while nowhere succinctly defined, is already being invoked to harass, arrest and sentence Tibetans who peacefully protest Chinese government policies in Tibet or advocate independence. In general, China's 1989 Law of Assembly, Procession, and Demonstration and the 1992 implementing regulations make a protest or demonstration about a politically sensitive issue almost impossible, despite apparent constitutional safeguards for freedom of assembly.

3. The emergence of a fully independent human rights watchdog organization is virtually impossible in China. According to the 1989 Regulations on the Registration and Management of Social Groups, all organizations must register and win approval by the "relevant professional leading organs". For a human rights organization, this presumably refers to the Government-funded China Society for Human Rights Studies, whose publications and statements mimic official policy. A monopoly stipulation in the regulations eliminates the possibility of registering an "identical or similar social group within the same administrative area". In addition, "social groups are not permitted to harm the interests of the State, the society and the collective", a provision which gives authorities discretion to deny registration on the basis of non-specific criteria. Authorities never even accepted a 1993 application from the Shanghai-based Human Rights Association, whose membership included many long-time dissidents, on the ground that the group failed to fulfil application criteria.

4. The right to freedom of thought, conscience and religion is closely linked to the ability to exercise the rights to free expression, association, and assembly. In Tibet, both sets of rights are regularly violated. Monks who refuse to express opposition to the Dalai Lama, to refute claims that Tibet is not a part of China, and to agree that the Chinese Government has a legitimate right to choose the Panchen Lama are severely penalized. They have been expelled from their monasteries, denied admission to any other monastery, banned from seeking work in the Tibetan capital of Lhasa and, in some cases, arrested.

5. Given China's willingness to study the conflicts between the ICCPR and its domestic law, Human Rights Watch urges the Special Rapporteur on freedom of opinion and expression, Mr. Abid Hussain, to immediately seek to undertake an investigatory mission to China, so that he might help to bring Chinese domestic law into conformity with international human rights standards.

6. We hope that China's signing of the ICESCR will lead to renewed attention inside and outside China to the limitations that currently exist on a right explicitly guaranteed by the ICESCR, namely, "the right of everyone to form trade unions and join the trade union of his choice", (art. 8(a)) and the right to strike (art. 8(d)). China's April 1992 Trade Union Act provides only for a Government-controlled system of unionization, organized as a pyramid, with the All-China Federation of Trade Unions, the Chinese Communist Party-controlled "mass" organization of workers, at the top. The Act clearly states that "trade union organizations at a lower level are under the leadership of those at a higher level". The provisions of the Act, coupled with denial of the right to strike and severely restricted provisions for collective bargaining, effectively negate the power of workers to negotiate their conditions of employment or to be guaranteed effective grievance procedures. The Trade Union Act gives unions only advisory powers, to "submit suggestions" and "suggest solutions".

7. Chinese authorities are still detaining or exiling Chinese citizens who have stood up for the rights of workers to form their own unions, to strike, and to bargain collectively. Han Dongfang led the Beijing Workers Autonomous Union until it was disbanded and he was jailed in the aftermath of the massacre in Beijing in June 1989. In 1992, Chinese authorities gave him permission to spend a year in the United States for treatment for drug-resistant tuberculosis. Han's repeated attempts to return to China after the year was up have all been rebuffed. Liu Nianchun, a prominent labour activist and principal leader of the League for the Protection of the Rights of the Working People, was administratively sentenced to a three-year re-education through labour term for his activity in forming the organization and for writing open letters criticizing the Government and the Party. Zhang Lin, another labour activist and organizer of the League for the Protection of the Rights of the Working People, received a three-year re-education sentence, on the pretext of being a "hooligan" and fathering a child out of wedlock. Liu is still serving his sentence; Zhang is in exile. On 23 January 1998, Li Qingxi, a former health worker in Datong, Shanxi province, was seized for putting up notices calling on workers to form their own independent unions. By 24 February, he had been sentenced without trial to a one-year re-education sentence but was permitted to return home instead of being transferred to a re-education facility.

8. Human Rights Watch urges the Commission on Human Rights to ask the International Labour Organization (ILO) to send a contact mission to China to investigate the prohibitions placed on Chinese workers' rights to freedom of association. It is also important to note that China has not ratified either the Freedom of Association and Protection of the Right to Organize Convention (No. 87) or the Right to Organize and Collective Bargaining Convention (No. 98).

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/95
26 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Journalists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1998]

GE.98-11369 (E)

Introduction

1. In the fiftieth anniversary year of the Universal Declaration of Human Rights, it is to be hoped that efforts will be renewed to ensure respect for fundamental principles which govern relations between States and their peoples. It is not enough for the international community to commemorate this anniversary with declarations and statements of intent. There must be concrete action to secure the exercise of these universal rights by all.

2. The international community should not underestimate the level of abuse of the rights contained in the Universal Declaration. The rights to freedom of expression and freedom of association and the right to join a trade union are regularly denied. The denial of these rights is frequently exercised in contravention of rights on the detention, interrogation and trial of individuals.

3. Governments continue to believe that it is acceptable to silence journalists and media professionals. This attempt to gag the media takes various forms, including murders, physical attacks and detentions.

4. The details provided below come from the IFJ's safety programme which monitors and reacts to human rights abuses against journalists throughout the world. In this report we outline various activities which are not limited to one country or continent and which we believe the international community must recognize and take action against.

Murders

5. There were 47 murders of journalists and media workers in 1997 and our evidence suggests that in many cases agents of the State were involved. Although the IFJ does not believe that every murder ordered or carried out by a police officer, soldier or other agent is endorsed by the authorities, experience has shown that the authorities will often not undertake serious and independent investigations into these killings.

6. This immunity from prosecution sends a message to all members of society wishing to stop journalists from informing the public. It is a conscious act on the part of the authorities which undermines democracy, rule of law and human rights.

7. Not only are crimes not investigated, but in certain cases, those calling for investigations are themselves threatened. In Argentina, on the first anniversary of the assassination of José Luis Cabezas, those involved in the campaign to find his killers continued to be harassed and threatened.

8. Without genuine revulsion and action on the part of the international community to these killings, which may be directly or indirectly approved by Governments, there can never be respect for the rights enshrined in the Universal Declaration of Human Rights.

9. The IFJ calls upon the United Nations Commission on Human Rights to formally condemn all murders of journalists and media workers. The IFJ calls

upon the Commission to request that Governments give details of all journalists and media workers killed in their countries and the steps taken to apprehend the killers.

Assaults

10. Journalists are often assaulted as a result of their work. These attacks occur in an attempt to silence them and are perpetrated by various elements in society including State agents, criminals and terrorists.

11. Journalists have been seriously beaten and left alive as a warning to others not to investigate certain matters. In some instances, police themselves have warned journalists that if they continue to publish stories on public officials or officers, they will be detained or attacked.

12. Those who attack journalists frequently remain free.

Arrest and detention

13. This is a particularly worrying activity against the media as there can be no doubt about the involvement of the State machinery.

14. Media professionals are often detained when the Government does not share their point of view. This includes journalists who investigate corruption, or who simply raise issues which do not follow the government line.

15. Many countries still have press laws which permit the imprisonment of journalists for press offences such as defamation. However, our experience has shown that Governments will use the excuse of "bad journalism" to imprison journalists whom they find politically embarrassing.

16. The IFJ considers that press laws should not be included as part of the criminal code. In particular, provisions on defamation, of any kind, and whoever the individual concerned, should always be civil offences. Imprisonment should not be a sanction for those against whom a complaint of defamation has been upheld. Politicians, including heads of State, should not be given greater protection than other members of the population and should accept more criticism than ordinary members of the public. The IFJ believes that this position is in accordance with international provisions on freedom of expression.

17. Once journalists have been detained, the international principles on the detention, interrogation and trial of prisoners should apply. However, it is our experience that this is not the case and that journalists may be detained without charge, and if charged may not receive a fair trial.

18. Questions of national security are used to silence the press and are not always clearly defined by law. The procedures involving these provisions are often not transparent or open to the public. Faceless tribunals, national security courts held in camera, and other systems which prevent journalists from being fairly heard or represented are used in contravention of the rules of natural justice and the International Covenant on Civil and Political

Rights. It is also the case that countries which do provide constitutional or other legal protection on paper, do not respect their own laws in this field.

19. The IFJ calls upon the Commission on Human Rights to formally condemn the practice of imprisoning journalists for press offences. We also ask the Commission to call upon Governments to respect international principles on freedom of expression and on the arrest, detencion and interrogation of individuals.

Freedom of association

20. Many Governments continue to impose restrictions on the rights of journalists to organize themselves in free trade unions or professional associations. Journalists may be forbidden from organizing because they are considered civil servants, or because the Government will only recognize one professional body. This body is normally Government controlled.

21. Often an independent professional body whilst representing journalists will, de facto, criticize the authorities. They are also more likely to fight for editorial independence in the media. For these reasons, some Governments restrict the existence of such bodies by banning them, imprisoning their leaders or refusing to register them so they are unable to organize public meetings or gain access to important infrastructure.

22. The IFJ calls upon the Commission on Human Rights to insist that journalists be allowed to organize in trade unions and professional bodies independent of direct or indirect government control.

Conclusion

23. Oppression of the media should always be taken as a warning that worse is yet to come. Governments who are allowed to assault, imprison and censor journalists believe they have a free hand to oppress the entire population.

24. The international community need look no further than this decade to recognize the fatal consequences of ignoring government control of the media and attacks on the independent press.

25. Without action on the part of the international community, Governments will continue to feel justified in their actions to impede the free flow of information. In this way they undermine good relations between individuals and the maintenance of world peace.

26. The IFJ urges the Commission on Human Rights to reiterate the importance of freedom of expression and to defend the right of journalists to exercise their profession free from corruption, harassment and fear.

Brussels, 1998

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/96
27 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 March 1998]

1. Arab intellectuals and human rights activists meeting at the invitation of the Arab Regional Working Group on Human Rights (ARWGHR),* hosted by the Cairo Institute for Human Rights Studies (10-12 March 1998), after a general discussion of the situation in Algeria, solely on the basis of humanitarian and human rights principles:

(a) Condemn all acts of terrorism carried out in the name of religion or any other purposes, and specifically the brutal massacres which have led to the deaths of tens of thousands of unarmed civilians, and which constitute crimes against humanity;

(b) Call on the Algerian authorities to fulfil their responsibilities in protecting the security of the population in full accordance with human rights standards and the Code of Conduct for Law Enforcement Officials;

(c) Denounce all patterns of human rights violations carried out in the context of the bloody conflict in Algeria and call for their immediate cessation;

(d) Appeal to the Algerian authorities to remove all obstacles hindering the activities of Algerian civil society; allow individuals and groups to exercise their fundamental rights, specifically their rights to freedom of expression and opinion and association and the right to seek and impart information; and to guarantee freedom of the media;

(e) Urge that international governmental and non-governmental organizations be allowed to carry out their functions in accordance with international humanitarian law and international human rights agreements and conventions signed or ratified by Algeria.

2. ARWGHR has decided to set up:

(a) An independent, non-governmental team of experts and human rights activists to conduct fact-finding activities on the horrendous massacres and other forms of human rights violations in Algeria. The team will seek to collect testimonies from all possible sources;

(b) A data bank on the Algerian situation.

3. ARWGHR calls upon all parties, Algerian, Arab and international, to cooperate with the team. It also calls upon the Algerian Government to cooperate with the team and facilitate its tasks inside Algeria.

4. ARWGHR invites all Arab intellectuals, public figures and human rights activists to endorse this declaration.

---

* The Arab Regional Working Group on Human Rights is a team of experts and human rights activists working for the development of the Arab human rights movement and its stances. CIHRS is currently acting as the secretariat for the ARWGHR.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/97
31 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda items 5 and 6

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1998]

GE.98-11474 (E)

1. Centre Europe-Tiers Monde (CETIM) has for long been monitoring developments of global importance which have seriously effected the realization of economic, social and cultural rights and the right to development. It is with grave concern that we have been alerted to the drafting and negotiation by member States of the rich countries' club, the OECD (Organization for Economic Cooperation and Development), of a treaty of international significance which will severely endanger the realization of all human rights contained in the Universal Declaration of Human Rights, the two International Covenants on Human Rights and the Declaration on the Right to Development.

2. Since 1995, the Multilateral Agreement on Investments (MAI) has been negotiated in the greatest of secrecy and away from public scrutiny. If adopted, the treaty will grant absolute rights to the most powerful global entities - transnational corporations - and impose draconian obligations on peoples and States. In effect, the objective of MAI is to organize the transfer of sovereignty from States to international investors in all sectors, economic, social, cultural and political, undermining forever the principle that all sovereignty resides essentially in the nation.

3. In addition to the fact that the MAI negotiators from the so-called "democracies" of the rich and powerful countries have violated the human right of free expression and opinion, including the right to information, by the manner in which they have conducted the negotiations, the contents, procedures and mechanisms foreseen in the Agreement contain draconian legal provisions which severely curb the sovereign rights of States and peoples to determine the type of society they wish to live in. Some of the most significant provisions in this connection include the following.

4. The treaty extends the definition of "investments" to include not only foreign direct investment (FDI) in its classical form, but also stocks, bonds and other monetary instruments. The treaty would force countries to treat foreign investors as favourably as they do national companies (the "most favoured nation" principle) without requiring performance standards relating to employment, choice of suppliers, transfer of technology. Subsidies for domestic businesses and limits on foreign ownership would be forbidden. An enterprise that is bought by a foreign entity can be closed down and the capital and profits repatriated at any moment. The treaty also seeks to transfer power away from national and local governments in favour of transnational corporations (TNCs) by imposing on States unconditional submission to international arbitration in case of litigation.

5. The defenders of MAI claim that "exceptions" or "reservations" can be made to protect culture, social rights, public health, environment, etc., but these, to be effective, must also be accepted by all the parties to the negotiations. Countries that join subsequently within the framework of the World Trade Organization (WTO) will not be given this possibility. More importantly, under the treaty, the State is also under the obligation not to introduce any new restrictive legislation in the domain covered by MAI ("standstill") and to dismantle existing restrictions ("rollback"), including in areas in which the State has lodged a "reserve", whether in the cultural, social, economic or political fields.

6. MAI also limits the possibility for exceptions to the treaty and permits the practice by monopolies of differential prices in different geographical markets "when such differences are based on normal commercial conditions, notably the consideration of supply and demand in these markets".

7. The generality of the clauses relating to the liberalization of investment means that the Agreement, if signed and ratified, will become the rule of reference and render subsidiary other bilateral and multilateral treaties, including those governing regional arrangements. It is of significance that the only exceptions foreseen by MAI are the obligations incumbent upon States as signatories of the International Monetary Fund and under the OECD guidelines which, in any case, contain only "recommendations" for TNCs.

8. MAI is not only ambitious in the fields covered but is also intended to become universally applicable. Although negotiated among the 29 rich member States of the OECD, it will be open for signature by all States members of the World Trade Organization and those, like China and the Russian Federation, aspiring to become members. MAI is envisaged as a complement to the global trade regime being elaborated with the WTO "until it can be integrated" and as a "step toward a veritable universal investment regime". Even in the case that the attempt to force MAI upon Governments are defeated, the dominant forces behind MAI are, even now, seeking to establish an identical regime by other means. All democratic forces must remain vigilant with regard to discussions within WTO on Trade-Related Investment Measures (TRIMs); the negotiations on the New Transatlantic Market (NTM), negotiated, in the greatest secrecy, between the United States and Sir Leon Brittan for the European Union; the traditional institutions favourable to deregulation such as the International Monetary Fund and the World Bank. The recent financial crisis in Asia allows these institutions to obtain investment concessions. Even UNCTAD, once the champion of the third world within the United Nations, now cooperates with the business lobby to draw third world countries within liberalized investment regimes.

9. It is now known that behind MAI (and similar treaties being negotiated) are large economic and financial entities acting globally and supported by powerful States, particularly the United States. All large organizations of TNCs have had either a direct or indirect influence on the negotiations around MAI, including the International Chamber of Commerce, the United States Council of International Business, the European Roundtable of Industrialists (45 heads of the largest European companies) and the Japanese employers (Keidanran).

10. For all these reasons, all democratic forces around the world must remain vigilant. The negotiators of such treaties have shown contempt for the many other legal, political and moral commitments which are in contradiction with these texts already undertaken by States. These include the international human rights instruments, ILO conventions, the declarations and programmes of action adopted by international conferences and, in particular, the provisions of the Charter of Economic Rights and Duties of States which provides that each nation has the inalienable right to regulate foreign investments and to exercise control over investments.

11. In adopting the Declaration on the Right to Development, States clearly recognized that "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom". States have also recognized that "the human person is the central subject of development and should be the active participant and beneficiary of the right to development" (art. 2.1). By doing so, States have recognized the necessity of reversing the logic that places profit over human well-being.

12. The precondition for the realization of all human rights, including the right to development, is the right of peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development. All peoples also have the right, for their own ends, freely to dispose of their natural wealth and resources, and in no case may a people be deprived of its own means of subsistence.

13. In the light of the urgency for action, particularly in the context of the forthcoming WTO Ministerial Conference due to meet in Geneva in May this year, CETIM reminds the Commission on Human Rights of its duty to take action in order to reverse the perverted logic behind these treaties which constitutes the most important obstacle to the realization of all human rights. CETIM deeply regrets that the Commission, at its 1997 session, failed to even consider the recommendation of the Sub-Commission to establish an open-ended working group on the activities and methods of transnational corporations to, inter alia, make recommendations and proposals aimed at regulating the methods of work and activities of TNCs in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and the right to development.

14. In the context of globalization, where larger corporations organize themselves internationally, CETIM underlines the need to establish an international jurisdiction that is both independent and transparent and endowed with the authority and the means to counter the ravages of TNCs. Is it possible to justify that TNCs and owners of capital have total freedom to act globally, whereas organizations of peoples are limited to take action only at the national level?

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/NGO/98
1 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 12

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Written statement submitted by the Coordinating Board of Jewish Organizations, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 March 1998]

GE.98-11564 (E)

1. Last year the United Nations Commission on Human Rights voted to delete a line dealing with anti-Semitism from the report of Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on racism, xenophobia and related intolerance. In a written submission to the Commission, a body of human rights NGOs have formally objected to this censorship of an independent expert.

2. The Commission acted at the time because the representatives of some States asserted that the deleted line, which referred to the misuse of the Qur'an to promote racial or religious hatred, was an affront to Islam. The logic of this assertion and of the subsequent vote appears to be that if anyone abuses a holy source to promote bigotry against a segment of the population with different religious beliefs, it is not the perpetrator who is at fault but rather the person who points out what is happening. We find this a most peculiar and dangerous approach to the promotion and protection of human rights.

3. The Coordinating Board of Jewish Organizations would like to submit that it is not the deleted line which is an affront to Islam, but rather the activity which it described, an activity that is alien to the spirit of tolerance associated with the world's major religions and especially, during the "Golden Age", with Islam. Furthermore, it considers that the deletion of the line cannot erase the fact that Islamic sources have indeed been misused. The evidence comes from the same source that was quoted by the Special Rapporteur - the report on anti-Semitism in 1996 prepared by Tel Aviv University.

4. According to this university study, promoting hatred of Jews is used by those in the Islamic world who reject the peace process and are anxious to foster opposition to the normalization of relations with Israel. For example, according to one Islamic fundamentalist, Jews are depicted in the Qur'an as "rancorous, aggressive and dishonest" (*al-Sha'b*, 11 June 1996). They "do not respect agreements and cannot be trusted because they betrayed the Prophet" (*al-Wafd*, 11 October 1996).

5. Another author, in a series of articles which appeared in the weekly *al-Liwa* between March and September 1996, dealt with Qur'anic verses on the Jews and with Jewish themes from the time of the Prophet until the present. According to the university study, "Jews were depicted throughout the series as despicable, cowards when weak and oppressors when powerful. They disseminated myths and fallacies among the Arabs and therefore were to be hated and found distasteful, and should be destroyed by God's will." This was followed by actual incitement to genocide: "The Muslim *umma* should be aware of the Jewish danger since it was her divine duty to rid the world of this danger."

6. Clearly, in the limited space available all of the examples from the university study cannot be quoted, but the Coordinating Board of Jewish Organizations believes that it has provided the members of the Commission with a representative sampling which proves beyond a shadow of a doubt that the

problem referred to in the report of the Special Rapporteur is, in fact, real and poses a serious challenge to human rights advocates, to the human rights offices and mechanisms of the United Nations, and to the Commission itself. Deleting reference to it only diminishes the credibility of the Commission. It will not make the problem go away. The Special Rapporteur has correctly pointed to the problem. It is up to the Commission to take appropriate action.